

Certification of Consistency

Certification ID: C20171

Step 1 - Agency Profile

A. GOVERNMENT AGENCY:

☒

State Agency

☐

Local Agency

Government Agency: Department of Water Resources

Primary Contact: Ling Chu

Address: 3500 Industrial Blvd, Suite 131

City, State, Zip: West Sacramento, CA 95691

Telephone/Fax: 916-376-9826 /

E-mail Address: ling-ru.chu@water.ca.gov

B. GOVERNMENT AGENCY ROLE IN COVERED ACTION:

☒

Will Carry Out

☒

Will Approve

☒

Will Fund

Step 2 - Covered Action Profile

IT IS RECOMMENDED THAT YOU ENGAGE IN EARLY CONSULTATION WITH DSC STAFF AND/OR COMPLETE THE COVERED ACTION CHECKLIST TO DETERMINE IF THE PLAN, PROGRAM OR PROJECT IS CONSIDERED A COVERED ACTION AND TO IDENTIFY RELEVANT REGULATORY POLICIES

A. COVERED ACTION PROFILE: ☐ Plan ☐ Program ☒ Project

Title: Decker Island Restoration Project

B. PROPONENT CARRYING OUT COVERED ACTION (If different than State or Local Agency):

Proponent Name: Ling Chu

Address: 3500 Industrial Blvd, Suite 131

City, State, Zip: West Sacramento, CA 95691

C. AT LEAST 10 DAYS PRIOR TO THE SUBMISSION OF A CERTIFICATION OF CONSISTENCY TO THE COUNCIL, agencies whose actions are not subject to open meeting laws (Bagley-Keene Open Meeting Act [Gov. Code sec 11120 et seq.] or the Brown Act [Gov. Code sec 54950 et seq.]) with regard to its certification, must post for public review and comment, their draft certification on their website and in their office, and mail to all persons requesting notice.

Any state or local public agency that is subject to open meeting laws with regard to its certification is also encouraged to take those actions.

(Note: Any public comments received during this process must be included in the record submitted to the Council in case of an appeal.)

If applicable, did you comply with this requirement? ☐ YES ☒ NO ☐ N/A

D. COVERED ACTION SUMMARY: (Project Description from approved CEQA document may be used here)

Project Summary: The Decker Island Restoration Project is a tidal restoration project proposed by DWR and located in Solano County along the Sacramento River. The Project site is currently an established emergent wetland with muted tidal connectivity to Horseshoe Bend to the south that transitions to upland habitat in the north. The Project would enhance up to 140 acres of tidal wetland, associated high marsh, and riparian habitats, benefiting special status species like Delta Smelt (*Hypomesus transpacificus*), Chinook Salmon (*Oncorhynchus thaleichthys*), and Swainson's Hawk (*Buteo swainsoni*). The Project consists of three main elements: lowering a section of levee, reconfiguring internal berms, and excavating a southern breach. Lowering a 300 foot section of levee at the northern end of the Island to internal elevation would create a flow through system that would increase access for fish and inhibit the establishment of invasive vegetation. Reconfiguring the internal berms would assist in moving water on and off site and would provide upland habitat for wildlife within the existing tidal wetland. Widening the existing breach at the southern end of the Island would provide full tidal access to the site and raise internal water levels from 5.8 feet NAVD88 to 6.3 feet NAVD88. Restoration would be accomplished with minimal in-water work and would utilize biological surveys, work windows, biological monitors, erosion control methods, and construction best management practices to avoid and minimize impacts to physical and biological resources. The Project would result in the enhancement of 90 acres of tidal wetland, restoration of 22 acres of tidal wetland, an increase to fish access, and an increase to aquatic food web export.

E. STATUS IN THE CEQA PROCESS: NOD has been filed

F. STATE CLEARINGHOUSE NUMBER: 2016082013
(if applicable)

G. COVERED ACTION ESTIMATED TIME LINE:

ANTICIPATED START DATE: (If available) 8/1/2018

ANTICIPATED END DATE: (If available) 11/1/2018

H. COVERED ACTION TOTAL ESTIMATED PROJECT COST: \$1,067,334.00

I. IF A CERTIFICATION OF CONSISTENCY FOR THIS COVERED ACTION WAS PREVIOUSLY SUBMITTED, LIST DSC REFERENCE NUMBER ASSIGNED TO THAT CERTIFICATION FORM:

- J. SUPPORTING DOCUMENTS: [Final Decker MND.pdf](#), [CEQA App B - Engineering Drawings.pdf](#), [CEQA App C - Decker Island Air Quality Calculations.docx](#), [CEQA App D - Biological Resource Inventory .pdf](#), [CEQA App E - Cultural Resources Report.pdf](#), [CEQA App F - Hydrodynamic Modeling.pdf](#), [CEQA App G - GHG Calculations and Certification.pdf](#), [CEQA App H - Mineral Remoteness Evaluation.pdf](#)

Step 3 - Consistency with the Delta Plan

DELTA PLAN CHAPTER 2

G P1 / 23 CCR SECTION 5002 – Detailed Findings to Establish Consistency with the Delta Plan.

In General: (23 CCR SECTION 5002 (a), (b), (1)) This regulatory policy specifies what must be addressed in a certification of consistency filed by a State or local public agency with regard to any covered action.

This regulatory policy only applies after a “proposed action” has been determined by a State or local public agency to be a covered action because it is covered by one or more of the regulatory policies listed under Delta Plan Chapters 3, 4, 5, and 7 of this form. Inconsistency with this policy may be the basis for an appeal.

Covered actions, in order to be consistent with the Delta Plan, must be consistent with this regulatory policy and with each of the regulatory policies listed under Delta Plan Chapters 3, 4, 5 and 7 of this form implicated by the covered action. The Delta Stewardship Council acknowledges that in some cases, based upon the nature of the covered action, full consistency with all relevant regulatory policies may not be feasible. In those cases, the agency that files the certification of consistency may nevertheless determine that the covered action is consistent with the Delta Plan because, on whole, that action is consistent with the coequal goals. That determination must include a clear identification of areas where consistency with relevant regulatory policies is not feasible, an explanation of the reasons why it is not feasible, and an explanation of how the covered action nevertheless, on whole, is consistent with the coequal goals. That determination is subject to review by the Delta Stewardship Council on appeal;

Specific requirements of this regulatory policy:

Mitigation Measures (23 CCR SECTION 5002 (b), (2))

- a. The covered action is not exempt from CEQA, and includes applicable feasible mitigation measures identified in the Delta Plan’s Program Environmental Impact Report, (unless the measure(s) are within the exclusive jurisdiction of an agency other than the agency that files the certification of consistency), or substitute mitigation measures that the agency that files the certification of consistency finds are equally or more effective.

Is the covered action consistent with this portion of the regulatory policy?

☒ YES ☐ NO ☐ N/A

Answer Justification: [GP1 Mitigation Equivalence.docx](#), [GP1 Decker Island MMRP.docx](#)

Best Available Science (23 CCR SECTION 5002 (b), (3))

- b. The covered action documents use of best available science as relevant to the purpose and nature of the project.

Is the covered action consistent with this portion of the regulatory policy? [Appendix 1A](#) is referenced in this regulatory policy.

☒ YES ☐ NO ☐ N/A

Answer Justification: [GP1 Detailed Analysis.docx](#), [GP1 Decker Island Flood Modeling.pdf](#), [GP1 Decker Island Revegetation Strategy.docx](#)

Adaptive Management (23 CCR SECTION 5002 (b), (4))

- c. The covered action involves ecosystem restoration or water management, and includes adequate provisions, appropriate to its scope, to assure continued implementation of adaptive management

Is the covered action consistent with this portion of the regulatory policy? [Appendix 1B](#) is referenced in this regulatory policy.

☒ YES ☐ NO ☐ N/A

Answer Justification: [Decker AMMP 25Oct2017_final_draft_FAST.docx](#)

DELTA PLAN CHAPTER 3

[WR P1 / 23 CCR SECTION 5003](#) - Reduce Reliance on the Delta through Improved Regional Water Self-Reliance

Is the covered action consistent with this regulatory policy?

☐ YES ☐ NO ☒ N/A

Answer Justification: The covered action does not involve water that is exported from, transferred through, or used in the Delta

WR P2 / 23 CCR SECTION 5004 - Transparency in Water Contracting

Is the covered action consistent with this regulatory policy? [Appendix 2A](#) and [Appendix 2B](#) are referenced in this regulatory policy.

☐ YES ☐ NO ☒ N/A

Answer Justification: The covered action does not involve entering into or amending water supply or water transfer contracts subject to DWR Guideline 03-09 and/or 03-10 (each dated July 3, 2003), (Appendix 2A).

DELTA PLAN CHAPTER 4

Conservation Measure: (23 CCR SECTION 5002 (c))

A conservation measure proposed to be implemented pursuant to a natural community conservation plan or a habitat conservation plan that was:

(1) Developed by a local government in the Delta; and

(2) Approved and permitted by the California Department of Fish and Wildlife prior to May 16, 2013

is deemed to be consistent with the regulatory policies listed under Delta Plan Chapter 4 of this form (i.e. sections 5005 through 5009) if the certification of consistency filed with regard to the conservation measure includes a statement confirming the nature of the conservation measure from the California Department of Fish and Wildlife.

Is a statement confirming the nature of the conservation measure from the California Department of Fish and Wildlife available?

☐ YES ☐ NO ☒ N/A

Answer Justification: The covered action does not include a natural community conservation plan or a habitat conservation plan.

ER P1 / 23 CCR SECTION 5005 - Delta Flow Objectives

Is the covered action consistent with this regulatory policy?

☐ YES ☐ NO ☒ N/A

Answer Justification: The covered action does not significantly affect flow in the Delta.

ER P2 / 23 CCR SECTION 5006 - Restore Habitats at Appropriate Elevations

Is the covered action consistent with this regulatory policy? [Appendix 3](#) and [Appendix 4](#) are referenced in this regulatory policy.

☒ YES ☐ NO ☐ N/A

Answer Justification: [ERP2 Restore Habitats at Appropriate Elevations.docx](#)

ER P3 / 23 CCR SECTION 5007 - Protect Opportunities to Restore Habitat

Is the covered action consistent with this regulatory policy? [Appendix 4](#) and [Appendix 5](#) are referenced in this regulatory policy.

☐ YES ☐ NO ☒ N/A

Answer Justification: The covered action is outside of the priority habitat restoration areas depicted in Appendix 5.

ER P4 / 23 CCR SECTION 5008 - Expand Floodplains and Riparian Habitats in Levee Projects

Is the covered action consistent with this regulatory policy? [Appendix 8](#) is referenced in this regulatory policy.

☐ YES ☐ NO ☒ N/A

Answer Justification: The covered action does not construct new levees or substantially rehabilitate or reconstruct existing levees.

ER P5 / 23 CCR SECTION 5009 - Avoid Introductions of and Habitat for Invasive Nonnative Species

Is the covered action consistent with this regulatory policy?

☒ YES

☐ NO

☐ N/A

Answer Justification: [ERP5 Habitat Conditions.docx](#)

DELTA PLAN CHAPTER 5

[DP P1 / 23 CCR SECTION 5010](#) - Locate New Urban Development Wisely

Is the covered action consistent with this regulatory policy? [Appendix 6](#) and [Appendix 7](#) are referenced in this regulatory policy.

☐ YES

☐ NO

☒ N/A

Answer Justification: The covered action does not involve new residential, commercial, or industrial development.;

[DP P2 / 23 CCR SECTION 5011](#) - Respect Local Land Use When Siting Water or Flood Facilities or Restoring Habitats

Is the covered action consistent with this regulatory policy?

☒ YES

☐ NO

☐ N/A

Answer Justification: [DPP2 Habitat Local Communication.docx](#)

DELTA PLAN CHAPTER 7

[RR P1](#) - Prioritization of State Investments in Delta Levees and Risk Reduction

Is the covered action consistent with this regulatory policy?

☐ YES

☐ NO

☒ N/A

Answer Justification: The covered action does not involve discretionary State investments in Delta flood risk management including levee operations, maintenance, and improvements.

[RR P2](#) - Require Flood Protection for Residential Development in Rural Areas.

Is the covered action consistent with this regulatory policy? [Appendix 7](#) is referenced in this regulatory policy.

☐ YES

☐ NO

☒ N/A

Answer Justification: The covered action does not involve new residential development of five or more parcels.

[RR P3](#) - Protect Floodways

Is the covered action consistent with this regulatory policy?

☐ YES

☐ NO

☒ N/A

Answer Justification: The covered action would encroach in a floodway that is a designated floodway or regulated stream. (see 23 CFR 5001(m) and 5001(aa)).

[RR P4](#) - Floodplain Protection

Is the covered action consistent with this regulatory policy?

☐ YES

☐ NO

☒ N/A

The covered action does not encroach in any of the following floodplain areas:

(1) The Yolo Bypass within the Delta;

(2) The Cosumnes River-Mokelumne River Confluence, as defined by the North Delta Flood Control and Ecosystem Restoration Project (McCormack-Williamson), or as modified in the future by the California Department of Water Resources or the U.S. Army Corps of Engineers (California Department of Water Resources 2010); and

Answer Justification:

(3) The Lower San Joaquin River Floodplain Bypass area, located on the Lower San Joaquin River upstream of Stockton immediately southwest of Paradise Cut on lands both upstream and downstream of the Interstate 5 crossing. This area is described in the Lower San Joaquin River Floodplain Bypass Proposal, submitted to the California Department of Water Resources by the partnership of the South Delta Water Agency, the River Islands Development Company, Reclamation District 2062, San Joaquin Resource Conservation District, American Rivers, the American Lands Conservancy, and the Natural Resources Defense Council, March 2011. This area may be modified in the future through the completion of this project.